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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,553	09/22/2003	Jun Takeda	074913.0102	6175
24735	7590	07/27/2004	EXAMINER	
BAKER BOTTS LLP C/O INTELLECTUAL PROPERTY DEPARTMENT THE WARNER, SUITE 1300 1299 PENNSYLVANIA AVE, NW WASHINGTON, DC 20004-2400			LE, THANH TAM T	
		ART UNIT		PAPER NUMBER
				2839
DATE MAILED: 07/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/665,553	TAKEDA ET AL. <i>(initials)</i>
	Examiner Thanh-Tam T. Le	Art Unit 2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 September 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) 11 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/22/03; 1/30/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 10 and 11, "which has a radius less" are confusing. Which's one has the radius? The passage way?

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, insofar as that can be understood, are rejected under 35 U.S.C. 103(a) as being unpatentable JP2002048934 in view of EP 0 405 620 A2.

JP2002048934, figure 1, disclose a splice module for optically interconnecting ends of first and second optical fibers (51 and 52), each of which having a predetermined radius. The splice module comprising:

a first plate (17) having a surface in which at least one groove (27) is formed.

The groove extending in a predetermined direction.

JP2002048934 disclose the instant claimed invention as described above except for a second plate having a surface, which is arranged on the surface of the first plate to define a passage way for receiving and aligning the ends of the optical fibers. The passage way having a radius larger than the predetermined radius by a predetermined difference of 1.0 μm .(Column 5, line 25).

EP 0 405 620 A2, figure 1A, disclose a second plate (312) having a surface, which is arranged on the surface f the first plate to define a passage way for receiving and aligning the ends of the optical fibers. The passage way having a radius larger than the predetermined radius by a predetermined difference of 1.0 μm .(Column 5, line 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide JP2002048934 to have the second plate, as taught by EP 0 405 620 A2, in order to secure and protect the fibers.

Regarding claim 2, it is noted that EP 0 405 620 A2 disclose the predetermined difference is a size between 0.5 μm and 10 μm , both inclusive.

Regarding claim 3, it is noted that EP 0 405 620 A2 disclose the groove having a V-shaped cross section.

Regarding claim 4, it is noted that EP 0 405 620 A2 disclose the passage way having a closed cross section in the plane perpendicular to the predetermined direction.

Regarding claims 5 and 6, it is noted that EP 0 405 620 A2 disclose the first and second plates made of silicon (column 7, lines 1-3).

Regarding claim 7, it is noted that EP 0 405 620 A2 disclose the groove having a cross-section shape obtainable by an etching process.

Regarding claim 8, JP2002048934, figure 1, disclose a main member (11) and a pressing lid (31). The main member having a mounting portion (top portion of 15) for mounting the first plate and projections (21a and 22a). The pressing lid is formed with recesses (41a and 42a), which engage with and are fitted with the projections while the first and the second plates are caught and fixed between the main member and the pressing lid.

Regarding claim 9, JP2002048934, figure 1, disclose the main member comprising a pair of frame portions (13a and 13b) and a base portion (15). Each of the frame portions extending apart from the other frame portion in a second direction perpendicular to the first direction. The projections are provided for the frame portions and project between the frame portions. The pressing lid having a top plate portion (33a) and sidewall projections (35b). The top plate portion having opposite ends in the second direction. The sidewalls projections project from the opposite ends of the top plate portion towards the base portion in a third direction perpendicular to the first and second directions. The sidewalls having outside surfaces and the recesses are formed in the outside surfaces of the sidewalls.

Regarding claim 10, JP2002048934, figure 1, disclose the outside surfaces of the sidewalls are in contact with the respective frame portions while the projections engage with the recesses.

Allowable Subject Matter

5. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for allowance:

None of the reference disclose the base portion is formed with two standing-up portions, wherein the standing-up portions are brought into contact with a beam portion while the first and second plates are placed and fixed between the beam portion and the base portion, in combination with the other claimed elements of the embodiments recited.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Tam T. Le whose telephone number is 571-272-2094. The examiner can normally be reached on 7:30-5:00.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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